



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/033,407	12/26/2001	David Gaxiola	80398.P443	8558

7590 03/13/2008
Andre M. Gibbs
BLAKELY, SOKOLOFF, TAYLOR & ZAFMAN LLP
Seventh Floor
12400 Wilshire Boulevard
Los Angeles, CA 90025-1026

EXAMINER

GILLIS, BRIAN J

ART UNIT	PAPER NUMBER
----------	--------------

2141

MAIL DATE	DELIVERY MODE
-----------	---------------

03/13/2008

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

**BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES**

Application Number: 10/033,407
Filing Date: December 26, 2001
Appellant(s): GAXIOLA ET AL.

Eric S. Replogle
For Appellant

EXAMINER'S ANSWER

This is in response to the appeal brief filed December 29, 2006 appealing from the Office action mailed June 23, 2006.

(1) Real Party in Interest

A statement identifying by name the real party in interest is contained in the brief.

(2) Related Appeals and Interferences

The examiner is not aware of any related appeals, interferences, or judicial proceedings which will directly affect or be directly affected by or have a bearing on the Board's decision in the pending appeal.

(3) Status of Claims

The statement of the status of claims contained in the brief is correct.

(4) Status of Amendments After Final

The appellant's statement of the status of amendments after final rejection contained in the brief is correct.

(5) Summary of Claimed Subject Matter

The summary of claimed subject matter contained in the brief is correct.

(6) Grounds of Rejection to be Reviewed on Appeal

The appellant's statement of the grounds of rejection to be reviewed on appeal is correct.

(7) Claims Appendix

The copy of the appealed claims contained in the Appendix to the brief is correct.

(8) Evidence Relied Upon

5,557,748	Norris	9-1996
US2002/0165906	Ricart et al.	11-2002

6,980,175	Narayanaswami	12-2005
US2003/0065816	Dharmadhikari et al.	4-2003
6,754,504	Reed	6-2004
6,487,584	Bunney	11-2002

(9) Grounds of Rejection

The following ground(s) of rejection are applicable to the appealed claims:

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1, 2, 4, 5, 10, 11, 13, and 14 are rejected under 35 U.S.C. 103(a) as being unpatentable over Norris (US Patent #5,557,748) in view of Ricart et al (US PGPUB US2002/0165906) in view of Narayanaswami (US Patent #6,980,175).

Claims 1 and 10 disclose a computerized method and machine-readable medium comprising: detecting, by a custom settings manager, a coupling of a consumer device to a home network; remotely identifying a presumed user corresponding to an implied owner of the consumer device; provisioning a user service available in the home network according to user preferences associated with the identified presumed user; and configuring a shared home network access device according to the user preferences, wherein the shared network access device is accessible by the consumer device and by another device coupled to the network. Norris teaches of a snooper

Art Unit: 2141

module that observes transactions occurring on the network and teaches that network parameters are configured from the user (column 5, lines 52-55, column 11, lines 10-13). It fails to teach of remotely identifying a user corresponding to the device, provisioning a user service available in the home network according to user preferences associated with the identified presumed user, and configuring a shared home network access device according to the user preferences. Ricart et al teaches of a computer personalization system which a provider remotely identifies the subscriber (paragraph 26, lines 6-9, 21-23).

Norris and Ricart et al are analogous art because they are both related to computer and network configuring.

At the time of the invention it would have been obvious to a person of ordinary skill in the art to use the computer personalization system in Ricart et al with the system in Norris because personalization data is stored in a durable way so that the information does not have to be re-obtained from a network upon login (Ricart et al, paragraph 16, lines 7-11).

Norris in view of Ricart et al teaches of the limitations of claims 1 and 10 as recited above. It fails to teach of provisioning a user service available in the home network according to user preferences associated with the identified presumed user and configuring a shared home network access device according to the user preferences. Narayanaswami teaches of provisioning a service available on the network according to user preferences stored for the identified user and configuring the shared device according to the user preferences wherein a PC, phones, and PDA's are shared

network access devices and are able to be accessed by another device coupled to the network and the pointer device is the consumer device (column 7, lines 4-10, 38-67).

Norris in view of Ricart et al and Narayanaswami are analogous art because they are both related to computer and network configuring.

At the time of the invention it would have been obvious to a person of ordinary skill in the art to use the provisioning of services and configuration of the device in Narayanaswami with the system in Norris in view of Ricart et al because the user is provided a more personal experience with any standard computer or device (Narayanaswami, column 8, lines 28-35).

Claim 2 and 11 disclose the method and machine-readable medium of claims 1 and 10 wherein the consumer device includes the user service. Ricart et al further teaches of a device, which includes services (paragraph 43, lines 1-5).

Claims 4 and 13 disclose the method and machine-readable medium of claims 1 and 10 wherein the identifying comprises identifying the user by user usage patterns. Norris further teaches that a snoop module determines the network parameters by observing traffic on the network (column 4, lines 37-40).

Claims 5 and 14 disclose the method and machine-readable medium of claims 1 and 10 wherein the identifying is determined by examining other devices and services on the network. Norris further teaches that a snoop module records the transactions received from the network and can determine the participants involved by indexing traffic data (column 5, lines 66-67, column 6, lines 1-16).

Claims 6 and 15 are rejected under 35 U.S.C. 103(a) as being unpatentable over Norris (US Patent #5,557,748) in view of Ricart et al (US PG PUB US2002/0165906) in view of Narayanaswami (US Patent #6,980,175) as applied to claims 1 and 10 above, and further in view of Dharmadhikari et al (US PG PUB US2003/0065816).

Claims 6 and 15 disclose the method and machine-readable medium of claims 1 and 10 wherein the identifying comprises identifying the corresponding user to be a user who has most recently used the device. Norris in view of Ricart et al in view of Narayanaswami teaches of the limitations of claims 1 and 10 as recited above. It fails to teach of identifying the user as being the most recent user of the device. Dharmadhikari et al teaches of a link monitor, which monitors changes in the link status of the device (paragraph 24, lines 1-10).

Norris in view of Ricart et al in view of Narayanaswami and Dharmadhikari et al are analogous art because they are both related to network configuration.

At the time of the invention it would have been obvious to a person of ordinary skill in the art to use the link monitor in Dharmadhikari et al with the method of Norris in view of Ricart et al in view of Narayanaswami because this allows for the automatic determination of a network device (paragraph 10, lines 1-3).

Claims 7- 9 and 16-18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Norris (US Patent #5,557,748) in view of Ricart et al (US PG PUB US2002/0165906) in view of Narayanaswami (US Patent #6,980,175) as applied to claims 1 and 10 above, and further in view of Reed (US Patent #6,754,504).

Claims 7 and 16 disclose the method and machine-readable medium as set forth in claims 1 and 10, further comprising unloading another service according to the user preferences. Norris in view of Ricart et al teaches of the limitations of claims 1 and 10 as recited above and a method of provisioning user preferences as shown above. It fails to teach of unloading another service according to the user preferences. Reed teaches of a service being unloaded according to the user preferences (column 6, lines 35-40).

Norris in view of Ricart et al in view of Narayanaswami and Reed are analogous art because they are related to user customization.

At the time of the invention it would have been obvious to a person of ordinary skill in the art to use the service unloading feature in Reed with the method of Norris in view of Ricart et al in view of Narayanaswami because it provides control to the user via the user's preferences (Reed, column 2, lines 41-46).

Claims 8 and 17 disclose the method and machine-readable medium as set forth in claims 1 and 10, further comprising loading the service according to the user preferences of the identified user. Norris in view of Ricart et al in view of Narayanaswami teaches of the limitations of claims 1 and 10 as recited above. It fails to teach of loading a service according to the user's preferences. Reed teaches of a service being loaded according to the preferences of the identified user (column 4, lines 3-14).

Norris in view of Ricart et al in view of Narayanaswami and Reed are analogous art because they are both related to user customization.

At the time of the invention it would have been obvious to a person of ordinary skill in the art to use the service loading according to user preferences in Reed with the method of Norris in view of Ricart et al in view of Narayanaswami because it provides control to the user via the user's preferences (Reed, column 2, lines 41-46).

Claims 9 and 18 disclose the method and machine-readable medium of claims 1 and 10 wherein the identifying comprises querying a data store, which associates a set of consumer devices and identities of users of the set of consumer devices. Norris in view of Ricart et al in view of Narayanaswami teaches of the limitations of claims 1 and 10 as recited above. It fails to teach of identifying by querying a data store, which associates a set of devices and identities of users of the set of devices. Reed teaches of a user database used to maintain information of the users of the network (column 7, lines 5-11).

Norris in view of Ricart et al in view of Narayanaswami and Reed are analogous art because they are both related to user configuration.

At the time of the invention it would have been obvious to a person of ordinary skill in the art to use the user database in Reed with the method of Norris in view of Ricart et al in view of Narayanaswami because the user preferences in the database allow the controlling of settings on the device, which the user is related to (column 6, lines 13-17).

Claims 19, 20, 23-26, 29-32 are rejected under 35 U.S.C. 103(a) as being unpatentable over Dharmadhikari et al (US PGPUB US2003/0065816) in view of Ricart

et al (US PGPUB US2002/0165906) in view of Narayanaswami (US Patent #6,980,175).

Claim 19 discloses a system comprising: a consumer device; a shared home network access device coupled to the consumer device; a user profile comprising user preferences of a presumed user associated with an implied owner of the device; and a custom setting manager that, in response to the device being coupled to a home network remotely identifies the user of the device, accesses the user profile, provisions a user service available in the home network, and configures the shared home network access device according to the user preferences, wherein the shared network access device is accessible by the consumer device and another device coupled to the network. Dharmadhikari et al teaches of systems and methods executed on any hardware which supports network interfaces, user interface elements are used to communicate the user's preferences, and a policy manager which receives the user's preferences and then configures the device according to the user's preferences, (paragraph 19, lines 3-5, paragraph 22, lines 11-15, paragraph 25, lines 1-4, paragraph 27, lines 1-4). It fails to teach of identifying the user remotely, provisioning a user service available in the home network and configures the shared home network access device according to the user preferences. Ricart et al teaches of a computer personalization system which a provider remotely identifies the subscriber (paragraph 26, lines 6-9, 21-23).

Dharmadhikari et al in view of Ricart et al are analogous art because they are related to user personalization.

At the time of the invention it would have been obvious to a person of ordinary skill in the art to use the computer personalization system in Ricart et al with the system in Dharmadhikari et al because the personalization data is stored in a durable way so that the information does not have to be re-obtained from a network upon login (Ricart et al, paragraph 16, lines 7-11).

Dharmadhikari et al in view of Ricart et al teaches of the limitations of claim 19 as recited above. It fails to teach of provisioning a user service available in the home network and configures the shared home network access device according to the user preferences. Narayanaswami teaches of provisioning a service available on the network according to user preferences stored for the identified user and configuring the shared device according to the user preferences wherein a PC, phones, and PDA's are shared network access devices and are able to be accessed by another device coupled to the network and the pointer device is the consumer device (column 7, lines 4-10, 38-67).

Dharmadhikari et al in view of Ricart et al and Narayanaswami are analogous art because they are related to user personalization.

At the time of the invention it would have been obvious to a person of ordinary skill in the art to use the provisioning of services and configuration of the device in Narayanaswami with the system in Dharmadhikari et al in view of Ricart et al because the user is provided a more personal experience with any standard computer or device (Narayanaswami, column 8, lines 28-35).

Claim 20 discloses the system of claim 19 wherein the user is associated to the consumer device by user usage patterns. Dharmadhikari et al in view of Ricart et al in view of Narayanaswami teaches of the limitations of claim 19 as recited above.

Dharmadhikari et al further teaches the user preferences are received by associating the user to the use of network interfaces coupled to a computer (paragraph 43, lines 3-11).

Claim 23 discloses the system of claim 19, wherein the user profile further comprises: an association between the user and the consumer device. Dharmadhikari et al in view of Ricart et al in view of Narayanaswami teaches of the limitations of claim 19 as recited above. Dharmadhikari et al further teaches the user preferences contain information that comprises an association between the user and the device (paragraph 43, lines 3-10).

Claim 24 discloses the system of claim 19, further comprising: a user manager to detect when the consumer device is coupled. Dharmadhikari et al in view of Ricart et al in view of Narayanaswami teaches of the limitations of claim 19 as recited above. Dharmadhikari et al further teaches a link monitor, which receives link status information for the network interfaces, connected (paragraph 24, lines 1-2).

Claim 25 discloses a system comprising: a home network; a shared home network access device coupled to the home network; a plurality of consumer devices selectively coupled through the home network; and a custom settings manager configured to remotely identify a presumed user corresponding to an implied owner of the devices, to access user preferences associated with the user, to provision a user

Art Unit: 2141

service available in the home network, and to selectively configure the shared home network access device based upon the user preferences, wherein the shared network access device is accessible by the consumer device and by another device coupled to the network. Dharmadhikari et al teaches that wired or wireless devices are connected to network access points, a plurality of network devices are connected to a network, and a policy manger which configures the device according to the user's preferences (paragraph 19, lines 3-5, 8-12, paragraph 20, lines 1-3, paragraph 25, lines 1-4, paragraph 27, lines 1-4). It fails to teach of remotely identifying the user of the devices, provisioning a user service available in the home network and configures the shared home network access device according to the user preferences. Ricart et al teaches of a computer personalization system which a provider remotely identifies the subscriber (paragraph 26, lines 6-9, 21-23).

Dharmadhikari et al in view of Ricart et al are analogous art because they are both related to user personalization.

At the time of the invention it would have been obvious to a person of ordinary skill in the art to use the computer personalization system in Ricart et al with the system in Dharmadhikari et al because the personalization data is stored in a durable way so that the information does not have to be re-obtained from a network upon login (Ricart et al, paragraph 16, lines 7-11).

Dharmadhikari et al in view of Ricart et al teaches of the limitations of claim 25 as recited above. It fails to teach of provisioning a user service available in the home network and configures the shared home network access device according to the user

Art Unit: 2141

preferences. Narayanaswami teaches of provisioning a service available on the network according to user preferences stored for the identified user and configuring the shared device according to the user preferences wherein a PC, phones, and PDA's are shared network access devices and are able to be accessed by another device coupled to the network and the pointer device is the consumer device (column 7, lines 4-10, 38-67).

Dharmadhikari et al in view of Ricart et al and Narayanaswami are analogous art because they are both related to user personalization.

At the time of the invention it would have been obvious to a person of ordinary skill in the art to use the provisioning of services and configuration of the device in Narayanaswami with the system in Dharmadhikari et al in view of Ricart et al because the user is provided a more personal experience with any standard computer or device (Narayanaswami, column 8, lines 28-35).

Claim 26 discloses the system of claim 25 wherein the identifying comprises identifying the user from the user usage patterns. Dharmadhikari et al further teaches the user preferences are received by identifying the user to the user of the network interfaces coupled to a computer (paragraph 43, lines 3-11).

Claim 29 discloses the system of claim 25 further comprising: a user manager that detects a coupling of a consumer device to the network. Dharmadhikari et al further teaches a link monitor receives link status information for the network interfaces connected (paragraph 24, lines 1-2).

Claim 30 discloses the system of claim 25, wherein the identification is accomplished by querying a preferences database. Dharmadhikari et al further teaches a policy manager receives input to receive the user's preferences from the user interface (paragraph 25, lines 1-4).

Claim 31 discloses the system of claim 25, wherein the accessing and configuring are performed by a preference agent. Dharmadhikari et al further teaches a policy manager which accesses the user's preferences and configures according to the user's preferences (paragraph 27, lines 1-4, 9-12).

Claim 32 discloses the system of claim 25 where the plurality of consumer devices includes a service, the service to be identified in the user preferences. Dharmadhikari et al further teaches a policy manager configures services on the computer according to the user's preferences (paragraph 27, lines 5-12).

Claims 21 and 27 are rejected under 35 U.S.C. 103(a) as being unpatentable over Dharmadhikari et al (US PG PUB US2003/0065816) in view of Ricart et al (US PG PUB US2002/0165906) in view of Narayanaswami (US Patent #6,980,175) as applied to claims 19 and 25 above, and further in view of Norris (US Patent #5,557,748).

Claims 21 and 27 disclose the system of claims 19 and 25 wherein the user is associated to the consumer device by examining the other devices and services on the network. Dharmadhikari in view of Ricart et al in view of Narayanaswami teaches of the limitations of claims 19 and 25 as recited above. It fails to teach of associating the user to the device by examining other devices or services on the network. Norris teaches of

Art Unit: 2141

a snoop module, which records the transactions, received from the network and can determine the participants involved by indexing traffic data (column 5, lines 66-67, column 6, lines 1-16).

Dharmadhikari et al in view of Ricart et al in view of Narayanaswami and Norris are analogous art because they are related to network configuration.

At the time of the invention it would have been obvious to a person of ordinary skill in the art to use the snoop module in Norris with the system in Dharmadhikari et al in view of Ricart et al in view of Narayanaswami because this allows a computer to be dynamically configured instead of statically preventing network malfunctions (column 1, lines 55-65).

Claims 22 and 28 are rejected under 35 U.S.C. 103(a) as being unpatentable over Dharmadhikari et al (US PG PUB US2003/0065816) in view of Ricart (US PG PUB US2002/0165906) in view of Narayanaswami (US Patent #6,980,175) as applied to claims 19 and 25 above, and further in view of Bunney (US Patent #6,487,584).

Claims 22 and 28 disclose the system of claims 19 and 25 wherein the user is associated to the last user of the consumer device. Dharmadhikari et al in view of Ricart et al in view of Narayanaswami teaches of the limitations of claims 19 and 25 as recited above. It fails to teach of associating the user to the last user of the device. Bunney teaches of a session and profile manager, which maintains member session data and maintains a user's identity while performing any number of operations (column 4, lines 35-42, 48-53).

Dharmadhikari et al in view of Ricart et al in view of Narayanaswami and Bunney are analogous art because they are related to user account personalization.

At the time of the invention it would have been obvious to a person of ordinary skill in the art to use the session and profile manager in Bunney with the system in Dharmadhikari et al in view of Ricart et al in view of Narayanaswami because the server can associate a plurality of different addresses with the user profile and able to provide the profile with personalized data (column 2, lines 29-31, column 3, lines 26-28).

(10) Response to Argument

Issue I

Applicant asserts Narayanaswami does not teach or suggest configuring a shared network access device according to user preferences. The Examiner respectfully disagrees, Narayanaswami teaches of a personal smart pointer device interpreted as a consumer electronic device transfers user preferences to a personal computer, personal digital assistant or a wireless phone which are interpreted to be shared network access devices and then the shared network access device is configured to use the consumer electronic device (column 6, lines 25-47, column 7, lines 4-10, 36 – column 8, line 12).

Applicant asserts Narayanaswami does not teach or suggest that the shared network access device is accessible by a consumer electronic device and another device coupled to the network. The Examiner respectfully disagrees, it is widely known that a personal computer, personal digital assistant or wireless phone may be connected to a network and once connected a consumer electronic device such as the

Art Unit: 2141

pointer device in Narayanaswami along with other devices may access the shared network access device such as a server providing data to the shared network access device.

Issues II - IV

Applicant asserts the arguments recited above for issue I for the remaining issues II – VI. The Examiner respectfully disagrees and maintains the response to the argument under issue I for the remaining issues.

(11) Related Proceeding(s) Appendix

No decision rendered by a court or the Board is identified by the examiner in the Related Appeals and Interferences section of this examiner's answer.

For the above reasons, it is believed that the rejections should be sustained.

Respectfully submitted,

/B. J. G./

Brian Gillis
Examiner
Art Unit 2141

Conferees:

/Jason D Cardone/
Supervisory Patent Examiner, Art Unit 2145

/Rupal D. Dharia/
Supervisory Patent Examiner, Art Unit 2141